

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

Maurice Rogers

Plaintiff(s),

-vs-

Harry K. Russell

Defendant(s),

Case No. 1: 02-CV-00079

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OHIO  
WEST DIVISION CLERK

2004 JUL -8 PM 2:25

FILED  
JAMES BONINI  
CLERK

**APPLICATION AND AFFIDAVIT BY INCARCERATED PERSON  
TO PROCEED WITHOUT PREPAYMENT OF FEES**

**NOTICE TO PRISONERS REGARDING  
PROCEEDINGS *IN FORMA PAUPERIS***

**Prisoner account statement required.** A prisoner seeking to bring a civil action or file an appeal without prepayment of fees or security therefor must submit a certified copy of the trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the complaint or the filing of a notice of appeal. Prison Litigation Reform Act of 1995, Pub. L. No. 104-131, 110 Stat. 1321, § 804(a) (1)-(3), 28 U.S.C. § 1915(a)-(h). The trust fund account statement is obtained from the cashier of the prison or prisons at which the prisoner was confined during the previous six months. 28 U.S.C. § 1915(a)(2). Since an appeal is a separate action, another application to proceed without prepayment of fees or security therefor must be filed when you file a notice of appeal.

**Filing Fees.** The current fees for filing a habeas corpus petition, civil complaint, and notice of appeal are:

- Habeas corpus petition. . . . . \$5.00
- Civil complaint . . . . . \$150.00
- Appeal . . . . . \$105.00

**AFFIDAVIT**

I, Maurice Rogers, declare that I am the (check appropriate box):

☒ petitioner/plaintiff/movant ☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of the full filing fee or costs under 28 U.S.C. § 1915, I declare that I am unable to prepay the full filing fee or the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under the penalty of perjury:

1. Are you currently incarcerated? ☒ Yes ☐ No

If "Yes", state the place of incarceration: London Correctional Inst., London, OH

(If "No," this is the wrong form for you. You should request the Non-Prisoner Declaration in Support of Request to Proceed *In Forma Pauperis*.)

2. Do you have a work, program, status assignment or other circumstances which causes you to be paid by the prison, jail, or other custodial institution? ☒ Yes ☐ No

If "Yes", state the amount credited to you each month: \$ 60.00 /month

3. In the past 12 months have you received any money from the following sources? If so, state the total amount received.

		<u>Amount</u>
a. Business, profession or other self-employment	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ _____
b. Rent payments, interest or dividends	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ _____
c. Pensions, annuities or life insurance payments	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ _____
d. Disability or workers compensation payments	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ _____

e. Gifts or inheritances ☐ Yes ☒ No \$ \_\_\_\_\_

f. Any other sources ☒ Yes ☐ No \$50.00

If the answer to any of the above is "Yes", describe each source of money and state the amount received and what you expect you will continue to receive.

Family donations

4. Do you have any cash or checking or savings accounts outside the prison?

☐ Yes ☒ No Amount \$ \_\_\_\_\_

5. Do you have a secondary savings account, such as a certificate of deposit or a savings bond, which is recorded by the prison cashier?

☐ Yes ☒ No Amount \$ \_\_\_\_\_

6. Do you own any assets, including real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property?

☐ Yes ☒ No

If "Yes", describe each asset and state its value.

ASSET

VALUE

Autos \_\_\_\_\_

\$ \_\_\_\_\_

(Make/model/year) \_\_\_\_\_

Stocks \_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

Bonds \_\_\_\_\_

\$ \_\_\_\_\_

Notes \_\_\_\_\_

\$ \_\_\_\_\_

Real Estate (market value) \_\_\_\_\_ \$ \_\_\_\_\_

Less \$ \_\_\_\_\_ (mortgage)

Other \_\_\_\_\_ \$ \_\_\_\_\_

7. Have you on three or more prior occasions, while incarcerated or detained in any prison, jail or other facility, brought an action in a court of the United States that was dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted?

☐ Yes☒ No

If "Yes," list the dismissals:

Date Dismissed	Case Name	Case No.

### DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have submitted above a complete statement of all the assets I possess and that all of the information is true and correct.

I understand that my signature below authorizes the institution of incarceration to forward from my account to the Clerk of the Court any initial partial filing fee assessed by the Court in the amount of 20 percent of the greater of the average monthly deposits to my prison account or the average monthly balance in my prison account for the six-month period immediately preceding the filing of the complaint. Thereafter, I authorize the institution of incarceration to forward monthly payments of 20 percent of my preceding month's income credited to my prison account until I have paid the full amount of the filing fee.

7-03-04  
DATE

Maurice Rogers  
SIGNATURE OF APPLICANT